

**Minutes
Veneta City Council
April 14, 2008**

Council
Present: Mayor T. J. Brooker, Thomas Cotter, Darrell Carman, Marion Esty and Sharon Hobart-Hardin

Staff: Ric Ingham, City Administrator; Brian Issa, Community Services Director; Jerri Moore, Finance Director; Carolyn Connelly, City Attorney; Sheryl Hackett, City Recorder; and Darci Henneman, Assistant City Recorder

Mayor Brooker called the Veneta City Council to order at 7:02 p.m.

1. PUBLIC COMMENT

None

2. CONSENT AGENDA

MOTION: Sharon Hobart-Hardin made a motion to approve the consent Agenda as presented. Thomas Cotter seconded the motion. Marion Esty, aye; Thomas Cotter, aye; Mayor Brooker, aye; Darrell Carman, aye; Sharon Hobart-Hardin, aye.

The Consent agenda was approved including Minutes for March 10, 2008, bills paid for March, 2008 and the public works activity report for March, 2008.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

(1) Appointment of Budget Committee members

Mayor Brooker said he reviewed the applications for the two vacant Budget Committee positions and has chosen to appoint Jeannette Lang and Gail Wilkie to serve on the Budget Committee until 2010. He said if either is unable to serve, Sandra Winn is appointed as an alternative.

In response to a question from Thomas Cotter, Sheryl said the City turned over an animal abuse case to the Lane County Sheriff's office, which in turned requested that a necropsy be performed on the dog. She said the case will be cited into Lane County District Court.

b. COUNCIL/COMMITTEE LIAISONS

Sharon Hobart-Hardin said the second annual Earth Day Celebration will be April 26, 2008 at Territorial Park. She said two new activities for children will be a mud pie making table and a potting table to plant seeds provided by Territorial Seed Company. She said there will be some booths and possibly music. She encouraged everyone to attend. Last year's event received an award which will be presented by Governor Kulongowski on May 9, 2008.

Ric said Stephania Fregosi is organizing the Community Facilities Assessment meeting.

In response to a question from Thomas Cotter, Ric said the grading system attached to the Fern Ridge Strategic Plan is not related to the Community Facilities Assessment meeting.

Marion thanked staff for changing the budget committee meeting so that she and Scott Sanders could go to the library meeting on the same date

4. STAFF REPORTS

a. FINANCE DIRECTOR..... JERRI MOORE

- (1) **Resolution 970 - A RESOLUTION AUTHORIZING AN INTER-FUND LOAN FROM THE PUBLIC WORKS EQUIPMENT FUND TO THE DEBT SERVICE - LEASE/PURCHASE FUND**

Jerri said the original budget anticipated external financing for the vector trailer unit. She said, however, as the process developed, a used machine was located at a cost of approximately \$20,000 less than a new machine. Jerri said the lower price would allow the City to internally finance the purchase of the used machine rather than borrow from an outside lender. Jerri said Resolution 970 authorizes this inter-fund loan.

MOTION: Sharon Hobart-Hardin made a motion to approve Resolution 970. Darrell Carman seconded the motion.

In response to a question from Thomas Cotter, Kyle said the used machine is not under warranty, however, it was a rental piece of equipment which is only five years old with less than 400 hours on it. Kyle said he had the machine looked over and felt it was a good deal.

VOTE: The Motion passed with a vote of 5-0.

Jerri confirmed the 2008-09 Budget Committee meetings are set for May 1, 2008 and May 15, 2008. Both meetings will begin at 4:30 p.m. with the Urban Renewal Budget Committee meeting starting at 6:30 p.m.

In response to a question from Mayor Brooker Jerri said she would send confirmation of the meeting times and dates to the new and existing committee members.

b. COMMUNITY SERVICES DIRECTOR..... BRIAN ISSA

- (1) Measure 49

Mayor Brooker asked Carrie Connelly for a brief synopsis of Measure 49. She said Measure 49 reduces the scope of the Measure 37 claims which allowed claims to be filed on restrictions of use that lowered property values. Measure 37 claims could be filed on residential and commercial property. She said Measure 49 restricts claims to residential, single family use zoned property only. She said basically, that is the only difference between the two measures. Carrie doesn't anticipate the City will see many (if any) Measure 49 claims that will meet the statute requirements. Carrie said she chose to apply the statute and same application process for the municipalities her firm represents. She said the City Administrator would receive the claims and determine if the claims are complete. If complete, the City Administrator would either recommend denial or approval of the claim. If the claim is denied it would follow a Limited Land Use process. She said if it is not a Limited Land Use Decision, it would then go before a public hearing and public comments would be accepted for 30 days. She said after that, the City Administrator would issue a final order. She said if certain factors apply, it could go to the City Council and most likely be recommended for approval; a public hearing would be held and the City Council would issue a final decision. She said the entire process would take 180 days. She said if the issue goes before the Council for approval/denial, etc., the

Council's decision is final. She said it would only be appealable for statutory reasons.

Carrie said a processing fee can be required with the adoption of a resolution. She prepared Resolution 969 which sets the amount the City will charge. She said the statute mostly addresses claims in the county which are outside the City's urban growth boundary.

(a) Policy Discussion

In response to a question from Thomas Cotter, Carrie said Measure 37 claims required notification to residents within a 300 ft. radius of a claim but the statute only requires notification within a 100 ft. radius. She felt there are going to be so few, if any, claims she used the statutory requirement of 100 ft. in the ordinance. Thomas Cotter felt the notification requirement should be more than 100 ft.

Mayor Brooker felt it may be problematic to deviate from the statute. He felt the closer the City follows the statute, the better.

The Council discussed whether or not to increase the number of properties to be notified from the minimum 100 ft. required by the State to the 300 ft. currently required by the City ordinance. After discussion, the Council decided to change the notification area from 100 ft. to 300 ft. which is consistent with other City codes.

Carrie noted a minor typographical change to be made prior to adopting Ordinance 480.

In response to a question from Thomas Cotter, Carrie said if the expense of hiring an expert to review a Measure 49 claim exceeds the \$200 amount allowed by the ordinance, the excess would still be paid by the claimant.

- (b) **Ordinance 480 - AN ORDINANCE ESTABLISHING A PROCEDURE FOR SUBMITTING AND PROCESSING CLAIMS ARISING UNDER THE PROVISIONS OF OREGON REVISED STATUTES 195.305 AND 195.310 TO 195.336, AS AMENDED BY BALLOT MEASURE 49, EFFECTIVE DECEMBER 6, 2007; REPEALING ORDINANCE NO. 450, ESTABLISHING PROCEDURES UNDER BALLOT MEASURE 37; AND DECLARING AN EMERGENCY.** First reading by title only. Second reading by title only and for final enactment.

MOTION: Sharon Hobart-Hardin made a motion to approve Ordinance 480 as amended for the first reading by title only. Darrell Carman seconded the motion.

In response to a question from Mayor Brooker, Carrie said the waiver language in Section 12 is required if the City were to grant a waiver, and the waiver is remanded, we can recant or deny the claim if our decision is made in error based on court decisions.

VOTE: The Motion passed with a vote of 5-0.

The ordinance was read into the record.

MOTION: Thomas Cotter made a motion to approve Ordinance 480, declaring an emergency, for second reading by title only and for final enactment. Marion Esty seconded the motion which passed with a vote of 5-0.

The ordinance was read into the record.

(c) **Resolution 969 - A RESOLUTION ESTABLISHING A FEE FOR MEASURE 49 CLAIMS AND REPEALING RESOLUTION 884**

All Councilors agreed to wait a year before increasing the expert fee amount to see if any Measure 49 claims are filed.

MOTION: Thomas Cotter made a motion to approve Resolution 969. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

- (2) Deliberation & Action on proposed amendments to the Veneta Municipal Code Chapter 8.10 and Veneta Land Development Ordinance No. 461, regarding tree removal and landscaping

Brian said at the February 25, 2008 City Council meeting, staff presented the draft changes to the Tree code, Landscaping Code and the Street Tree Standards. The Council took public testimony and held the record open for seven days to allow additional written comments. Those comments were included in the Council packet. Based on those comments and input from the Council, staff made substantial revisions to Section 8.10.080(5) of the proposed Tree code. Brian said the most significant change is the addition of criteria to Type C permits. The new criteria provided a clear and objective set of approval standards, however, the previous standards have been retained as an alternative process that the applicant can elect to use if they feel the objective standards do not meet their needs. Brian said the new numerical standards are based on those used by other municipalities in the Willamette Valley. Brian said based on public comments and an assessment by legal counsel of the potential for appeal, staff chose to use the numerical standards even though the stakeholder group chose not to.

Brian said the remaining changes are to ensure that Type B and D permits do not require notice or an appeals process. He said this is staying within the recommendations of the stakeholder group and the current method of processing permits. Brian said it is the opinion of City staff and legal counsel that these changes necessitate revisions to the proposed findings. Staff is still in the process of researching potential impacts to the buildable lands inventory as well as other issues that need to be addressed in the findings in order to substantiate the decision to adopt the proposed revisions. Brian said because he is still waiting for information on the buildable land inventory issue, he recommended the Council approve the draft as provided thus far and direct staff to return to the next meeting with final drafts of all proposed changes. He said any necessary

resolutions, findings and supplemental information required by the Council for approval will also be included.

In response to a question from Darrell Carman, Brian said he wasn't sure what the definition of a "professional forester" is but he felt it would be someone that is licensed in the state of Oregon as a forester.

In response to a question from Thomas Cotter, Brian said a Design Review Board would not be needed. He said the Tree Code would go to the Planning Commission for approval. Brian said decisions could be appealed to the City Council.

In response to a question from Sharon Hobart-Hardin, Brian said much of the information in the code update was gathered from other cities of similar size. Sharon Hobart-Hardin felt the Code updates respond to the concerns that were raised to the Council.

Although Carrie said an additional public hearing is not required, she said it could help prevent an appeal by giving citizens an opportunity to address the latest revisions. The Council agreed to hold a second public hearing after a minimum 30 days period and directed Brian to move forward with finalizing the fact finding and buildable land inventory issues relating to the code updates.

Brian said he is waiting for statistical information from the Oregon Department of Employment to support the findings. He suggested preparing the public notice and bringing the code updates back to the Council for approval at one of the May, 2008 meetings.

5. OTHER

(1) Coordinated Population Figures

Ric said the coordinated population figures went before the Lane County Board of Commissioners and the process has somewhat stalled. He said the legal counsel represents the municipalities of Veneta, Oakridge, Creswell, and Junction City. He said because Lowell is advocating for new figures, the other communities are concerned this will extend the process for many months. Ric said all four communities have asked Carrie to take a more aggressive lead working with Lane County staff to provide direction.

In response to a question from Mayor Brooker, Carrie said County staff is recommending one thing and County legal counsel is recommending another. She said the Commissioners are caught in the middle. She said there were eight options put before the County Commissioners, County staff and County counsel and they all voted differently. She suggested writing a letter to the County Commissioners stating she represents all four municipalities and suggesting what the Commissioners should do. She suggested attending the Commissioner meeting on April 30th, 2008.

In response to a question from Darrell Carman, Ric said the matter could be held up possibly two years after the 2010 census depending on the economic forecast. Ric said currently we're using the 2000 population figure in our Comprehensive Plan. Ric said the 2004 figures were not adopted into the Comprehensive Plan but there is some

question whether or not they were adopted by the County into their Comprehensive Plan.

In response to a question from Marion Esty, if Lowell could separate from the rest of the cities, Ric said with Carrie and the other four cities coming together, hopefully Lowell will stay on board and things will quiet down. Ric said because an attorney is representing the property owner in Lowell the matter could stretch out for several months.

In response to a question from Thomas Cotter, Carrie said the City cannot just pick a number to use. She said the number needs to coincide with the County's Comprehensive Plan figure. She said Lane County legal council agrees the County doesn't have the authority to hold up the process. She said she is looking forward to delving into this matter.

Thomas Cotter felt the two agencies holding up the process should be reason enough be able to move forward with our own number. He is concerned our projects are being held up too long.

Brian said the wastewater project is moving forward and the Water Master Plan RFP will be published soon.

Ric said we're proceeding with completion of the Wastewater and Water Facilities Plans. He said staff felt there should be enough lead time for capital improvements plans to be listed in the Facilities Plans.

(2) Summer Recreation Program update

Brian said Stacy Cornelius will be heading the Summer Recreation Program this year without the assistance of Willamalane Parks and Recreation District and the YMCA. The City will offer an aquatics program at Camp Wilani and "Play in the Park" at the City Park from 1:00 p.m. to 4:00 p.m. beginning June 23 to August 14. He said the first session of swimming lessons will be July 8 to July 24. The second session is July 29 to August 7. All lessons will be on Tuesdays and Thursdays only from 5:30 to 7:30 p.m.

In response to a suggestion from Thomas Cotter to donate the heater from the old City pool to Camp Wilani to use, Ric felt the Camp Wilani representatives may be overwhelmed with just trying to keep the Camp open. He said our pool heater requires propane and Kyle is working with Camp Wilani representatives on the matter. He said the City's swimming lessons are conducted later in the day when the sun is not directly on the pool. He said kids are getting cold sitting at the edge of the pool during lessons. He said staff will continue to work on this issue.

d. PUBLIC WORKS SUPERINTENDEN.....KYLE SCHAUER

(1) ORWARN Mutual Aide Agreement

Kyle said Todd Simmons of EWEB is a member of ORWARN (Oregon Water/Wastewater Agency Response Network). He asked Kyle if the City would consider joining the organization which was formed in March of 2007 to provide mutual aid. Their mission statement is to "Promote statewide emergency preparedness, disaster response and mutual assistance for public and private water/wastewater utilities". Kyle said ORWARN currently has 42 members, including EWEB, SUB (Springfield Utility Board) and Cottage Grove. He said the organization is designed to provide quick and

professional assistance in situations that overwhelm a City's water and wastewater capacities. He said a formal emergency declaration is not necessary to activate the system. Members need only to request a mutual-aid deployment. He said the requesting City must pay all expenses incurred by the responding member-utility and there is no fee for joining the organization. Kyle said a key person should be identified (City Administrator) to make the decision whether or not the City comes to the aid of another member.

Kyle presented the agreement to join ORWARN to the Council and recommended they authorize Mayor Brooker to sign the mutual aid agreement. Kyle said each agency would maintain their Workers Compensation coverage and staff would look into that issue.

Sharon Hobart-Hardin felt the City should enter into the agreement tonight. Marion Esty and Darrell Carman agreed.

After discussion, the Council directed staff to ask legal counsel to review the agreement and Jerri Moore to research the insurance liability issue prior to signing the agreement. It was agreed here should be written policy to cover emergency situations that may come up and more than likely it will be when the City is experiencing an emergency also. Council also agreed a discussion should take place on deciding how and when the City should get involved and set some kind of criteria for that involvement. All Councilors agreed the City Administrator should be the key person making the decision whether to provide assistance. The Council requested staff bring the agreement back to the Council after it has been reviewed by legal counsel and the insurance liability matter has been answered. Staff said it would be on the April 28, 2008 agenda. The Councilors thanked Kyle for the presentation.

(2) Pool update

Kyle said the pool construction committee has been meeting since January 25. He said the committee consists of 12 to 15 people from our community, including himself, Brian Issa and Thomas Cotter. Kyle outlined the options presented from Sherwood and Associates and the committee chose option 2, which would be a six lane pool with the ability to construct a cover at a later date to eventually have a year round facility. The estimate price is 3.2 million. He said funding would consist of the City budgeting 1/3 of the cost, possible grants and donations of 1/3 and a bond measure to cover 1/3. Kyle said the best time line for a bond measure would be the November 2008 ballot election. The committee is hopeful the bond would pass and construction would begin in 2009. He said the committee spoke with Bob Keefer of Willamalane Parks and Recreation District to get some direction on how to campaign for a bond measure. The committee will be called the "Veneta Pool Committee". Kyle said City funds are available to hire a pool consultant to draft the language that will go on the ballot measure then he could shift his scope of work to work for the PAC (Political Action Committee). Staff recommended the Council direct staff to hire a pool consultant. Kyle confirmed city resources will not support the PAC. They will do their own fund-raising. He said past pool information will be provided to the committee. Kyle said the timeline is a priority in order to get the bond measure passed and funded in order to initiate construction in 2009. Everyone agreed because the grant process is so competitive, the bond measure should be passed prior to applying for grant funds.

After much discussion, the Council agreed the committee should hire a pool consultant to assist them in getting the bond measure on the ballot and help make the informational material easy to read and roll it into a campaign.

Ric said the Budget Committee has already approved contributing half of the million dollars in fiscal year 2008-09 and half in the 2009-10 fiscal year. Ric said he would research how a bond measure would affect the City's Urban Renewal boundaries.

Ric said Sterling Pew, President of Territorial Sports Program (TSP) informed Brian they would like to participate in Earth Day on April 26, 2008 at Territorial Park. Ric said the TSP acquisition will be final next week and he would like to dedicate the TSP complex as part of the Earth Day celebration. He asked the Council if they would be available for the dedication. He said he would also contact the two funding sources and ask for their participation in the dedication. Ric said the TSP Board is still seeking the additional \$80,000 to make the needed improvements to the Sports Complex.

Ric apologized to the Council for not informing them that the City employees' compensation discussions have been agreed to and concluded. He will ask the committee members to sign off on the final agreement. He said those negotiations went well.

6. **ADJOURN**

Mayor Brooker adjourned the City Council at 9:00 p.m.



T. J. Brooker, Mayor

ATTEST:



Darci Henneman, Assistant City Recorder
(minutes prepared by dhenneman)